

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MATTHEW BREDDER,

Plaintiff,

-against-

THE CITY OF NEW YORK; NYPD CAPTAIN JULIO DELGADO;  
NYPD OFFICER JUSTIN SCHIVEK; and NYPD MEMBERS JOHN  
AND JANE DOES 1-6,

Defendants.

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GIDEON ORION OLIVER, an attorney duly admitted to practice before this Court, hereby  
declares under penalties of perjury that the following statements are true and correct:

1. I am co-counsel for Plaintiff Matthew Bredder in this action, along with Cohen  
Green PLLC.

2. I make this declaration in support of Plaintiff's opposition to Defendants' motion to  
change venue (ECF Nos. 11-12).

3. I am the attorney who will likely take the individual Defendants' depositions in this  
case.

4. My primary office is located at 277 Broadway, Suite 1501, New York, NY 10007.  
Co-counsel Cohen Green PLLC have offices in Queens and Brooklyn. I also have an office in  
Brooklyn.

5. The Law Department's offices are just a few blocks away from my office in  
Manhattan.

**DECLARATION OF  
GIDEON ORION  
OLIVER IN  
OPPOSITION TO  
DEFENDANTS'  
MOTION TO  
CHANGE VENUE**

**22-cv-4293 (VSB)**

6. Both my office and the Law Department's office are located just a few blocks away from the United States District Court for the Southern District of New York courthouses.

7. I have been litigating civil rights cases against Defendant City of New York and New York City Police Department ("NYPD") members since 2004.

8. In most of my NYPD-related police misconduct cases prior to the pandemic, depositions of the parties, and third-party witnesses, took place almost exclusively at the offices of the New York City Law Department at 100 Church Street, New York, NY 10007.

9. Since the pandemic, every deposition in a NYPD police misconduct case I have taken or been involved in has occurred virtually, by Zoom or some other remote means.

10. Counsel did not file this case in the Southern District of New York in the hope of a higher hourly billing rate under the Second Circuit's "forum rule."

11. Plaintiff is among the named plaintiffs, and putative class members, in *Sow, et al. v. City of New York, et al.*, 20 Civ. 8924 (CM)(GWG). The *Sow* case is a putative class action that challenges Defendant City's, and the NYPD's, responses to summer 2020 Black Lives Matter protests throughout New York City.

12. A true copy of the First Amended Complaint in *Sow* (the "*Sow* FAC") is attached as Exhibit 1 hereto.

13. The allegations supporting Plaintiff's *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978) claims in this matter incorporate, and go beyond, the allegations supporting the *Monell* claims in the *Sow* FAC. Compare Complaint (ECF No. 1) with *Sow* FAC.

14. *Sow* is among the cases arising from consolidated for pre-trial purposes before Hon. Colleen McMahon and Hon. Gabriel W. Gorenstein under the *In re NY City Policing During Summer 2020 Demonstrations*, 20-cv-8924 (CM)(GWG), docket (the "Consolidated Actions").

15. In the Consolidated Actions, the Court has already decided a substantial partial motion to dismiss (*see, In re NY City Policing During Summer 2020 Demonstrations*, 548 F Supp 3d 383 (SDNY 2021), and discovery – including into *Monell* claims that overlap with those at issue in this case - is ongoing.

16. Aside from the Consolidated Actions, there are dozens of other cases pending in this district arising from the Summer 2020 protests, many of which raise the same, of very similar, *Monell* claims.

17. In many such cases, the Court has ordered the parties to coordinate overlapping *Monell* discovery with the ongoing *Monell* discovery in the Consolidated Actions.

18. By way of example, below are seven orders in cases in which I am also co-counsel for the Plaintiffs, along with Cohen & Green PLLC, requiring that the parties coordinate *Monell* discovery with the ongoing *Monell* discovery in the Consolidated Actions:

- a. Attached as Exhibit 2 is a true copy of the Court's January 31, 2022 Order in *Britvec v. City of New York, et al.*, 21-cv-10759 (LAK) and *Casablanca-Torres v. City of New York, et al.*, 21-cv-10823 (LAK) (ECF No. 21 therein);
- b. Attached as Exhibit 3 is a true copy of a March 30, 2022 Order in *Rodriguez v. City of New York, et al.*, 21-cv-10815 (PKC) (ECF No. 17 therein);
- c. Attached as Exhibit 4 is a true copy of a March 30, 2022 Order in *DeLuca, et al. v. City of New York, et al.*, 21-cv-10777 (AJN)(KHP) (ECF No. 30 therein);
- d. Attached as Exhibit 5 is a true copy of an April 13, 2022 Order in *Sukana, et al. v. City of New York, et al.*, 21-cv-10899 (LJL) (ECF No. 22 therein);
- e. Attached as Exhibit 6 is a true copy of a June 21, 2022 Order in *Sharma v. City of New York, et al.*, 21-cv-10892 (ER) (ECF No. 26 therein);

- f. Attached as Exhibit 7 is a true copy of a July 1, 2022 Order in *Margolies v. City of New York*, et al., 21-cv-10839 (PKC);
- g. Attached as Exhibit 8 is a true copy of an August 5, 2022 Order *Cunningham v. City of New York*, et al., 22-cv-00588 (LDH)(SJB); and
- h. Attached as Exhibit 9 is a true copy of an August 18, 2022 Order in *Acosta, et al. v. City of New York*, et al., 22-cv-00576 (ECF No. 19 therein).

19. Defendant Delgado is a named Defendant in the *Sukana* matter pending before Hon. Lewis J. Liman in this district.

20. Defendant Delgado's deposition has been noticed by a number of parties in the Consolidated Actions in connection with his role as Commanding Officer of the NYPD's SRG 2 in the summer of 2020.

21. As discovery to date in the Consolidated Actions and other cases has shown, at all times relevant herein, NYPD members assigned to its Strategic Response Group ("SRG") – whichever SRG command they are assigned to (i.e., where they report to work) – were typically deployed to citywide mobilizations, including in response to demonstrations, throughout the five boroughs.

22. Additionally, according to the NYPD's website today, the SRG...

...responds to citywide mobilizations, civil disorders, and major events with highly trained personnel and specialized equipment. They are also deployed to areas requiring an increased police presence due to increased crime or other conditions. With multiple missions that include disorder response, crime suppression, and crowd control, SRG has proven to be a critical asset during events like parades, protests, and the papal visit. SRG also mobilizes for shootings, bank robberies, missing persons, demonstrations, or other significant incidents.

See <https://www1.nyc.gov/site/nypd/bureaus/patrol/citywide-operations.page> (last accessed September 14, 2022).

Dated: New York, New York  
September 15, 2022

A handwritten signature in black ink, reading "Gideon Orion Oliver", followed by a horizontal line.

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